

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

AFFIDAVIT

I, Erin North, Deportation Officer, Immigration and Customs Enforcement, United States Department of Homeland Security, being duly sworn, state the following:

1. That your Affiant is a graduate of the Federal Law Enforcement Training Center ("FLETC") and has been employed as a federal officer of Immigration and Customs Enforcement ("ICE"), formerly the Immigration & Naturalization Service ("INS"), for seventeen years, during which time she has conducted numerous investigations relating to administrative and criminal violations of the Immigration & Nationality Act ("INA");
2. That the information contained in this Affidavit is based on your Affiant's personal participation in this investigation and from information provided to your Affiant by other law enforcement officers. This Affidavit is submitted for the limited purpose of presenting facts to support a probable cause finding for the issuance of a criminal complaint against Jose Guadalupe GONZALEZ Maldonado, a/k/a Jose Guadalupe Gonzalez-Maldonado, a/k/a Jose Guadalupe Gonzalez-Maldonado, a/k/a Jose Gonzalez Maldonado, a/k/a Jose Guadalupe Gonzalez, and a/k/a Jose Figueroa-Salazar, ("GONZALEZ"). Your Affiant has not included each and every fact known to her concerning this investigation and she has set forth only those facts necessary for said purpose;
3. That sufficient facts exist to support a probable cause finding that GONZALEZ has violated Title 8, United States Code, Section 1326(a)(1) (illegal reentry into the United States by a deported alien);
4. That, on March 11, 2023, GONZALEZ was arrested by the Mount Holly, North Carolina, Police Department for NO OPERATORS LICENSE (Gaston County Court Docket 2023cr705016) and on the outstanding Union County, North Carolina, Superior Court Orders for Arrest for two counts of BREAK OR ENTER A MOTOR VEHICLE, MISDEMEANOR LARCENY, and FELONY LARCENY (Court Dockets 2003crs51913 and 2003crs51914), and transported to the Gaston County Jail in Gastonia;
5. That, on March 12, 2023, GONZALEZ was encountered by Gaston County, North Carolina, ICE 287(g) Deputies at the Gaston County, North Carolina, Jail and determined to be unlawfully present in the United States. ICE 287(g) Deputies submitted GONZALEZ' fingerprints through the Next Generation Identification (NGI) system, which is connected to the National Crime Information Center (NCIC), and an automated biometric identification system used by ICE termed IDENT. The fingerprint-based reports generated by that submission disclosed that he was the subject of FBI Number 564162AC8, Immigration A-file Number 095-128-046, and State Identification Number NC1018738A. An Immigration Detainer was lodged against him with the Gaston County Jail;

6. That your Affiant conducted criminal justice inquiries and database searches, reviewed Immigration A-file 095-128-046 relating to GONZALEZ, and discovered that:
- a. his name is Jose Guadalupe GONZALEZ Maldonado, per his own declarations;
 - b. he is also known as Jose Guadalupe Gonzalez-Maldonado, Jose Guadalupe Gonzalez-Maldonado, Jose Gonzalez Maldonado, Jose Guadalupe Gonzalez, and Jose Figueroa-Salazar;
 - c. he is citizen of Mexico by virtue of birth in Guerrero, Mexico, on August 26, 1982, per his own declarations;
 - d. he has also used August 22, 1982, as his date of birth;
 - e. he was assigned FBI number 564162AC8, State Identification Number NC1018738A, and North Carolina Driver's License Numbers 27851087;
 - f. on October 7, 2003, he was encountered by ICE Special Agents in Charlotte, North Carolina, pursuant to Operation FED UP, a joint initiative with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and the Charlotte-Mecklenburg Police Department, targeting members, associates, and/ or affiliates of the Mara Salvatrucha (MS 13) street gang and other violent street gangs, and determined to be unlawfully present in the United States;
 - g. on October 15, 2003, he was ordered removed from the United States to Mexico by an Immigration Judge in Atlanta, Georgia, under the name Jose Guadalupe Gonzalez-Maldonado;
 - h. on October 21, 2003, agency form I-205 Warrant of Removal/ Deportation was executed by including his photograph, fingerprint, and signature, and GONZALEZ Maldonado was removed from the United States to Mexico, on foot, at Laredo, Texas, under the name Jose Guadalupe Gonzalez Maldonado, being advised prior to removal that it is a crime after removal from the United States to enter, attempt to enter, or be found in the United States without the express consent of the Attorney General;
 - i. on November 14, 2003, an Order for Arrest was issued by the Mecklenburg County, North Carolina, District Court for Failure to Appear as required by the release order for RESISTING PUBLIC OFFICER (Court Docket 2003cr236432; date of offense and arrest was July 31, 2003);
 - j. on July 9, 2004, an Order for Arrest was issued by the Union County, North Carolina, Superior Court for Failure to Appear on a True Bill of Indictment for BREAK OR ENTER A MOTOR VEHICLE and MISDEMEANOR LARCENY (Court Docket 2003crs51913; date of offense and date of arrest was April 6, 2003);
 - k. on July 9, 2004, an Order for Arrest was issued by the Union County, North Carolina, Superior Court for BREAK OR ENTER A MOTOR VEHICLE and FELONY LARCENY (Court Docket 2003crs51914; date of offense and date of arrest was April 6, 2003);
 - l. on April 22, 2005, he was encountered by Border Patrol Agents at/near Tecate, California, determined to be unlawfully present in the United States, transported to the Campo, California, Border Patrol Station for processing, and thereafter voluntarily returned to Mexico;

- m. on July 25, 2009, he was arrested by the Mecklenburg County, North Carolina, Sheriff's Office for two counts of ASSAULT WITH DEADLY WEAPON - INTENT TO KILL - GUN, CONTROLLED SUBSTANCE - SCHEDULE VI - POSSESS MARIJUANA, CARRYING CONCEALED WEAPON - GUN, and DISCHARGE FIREARM IN CITY (Court Dockets 2009cr236258, 2009cr236259, 2009cr236260, 2009cr236261, 2009cr236262), and on the outstanding Mecklenburg County, North Carolina, District Court Order for Arrest for RESISTING PUBLIC OFFICER (Court Docket 2003cr236432) and transported to the Mecklenburg County Jail in Charlotte where he was encountered by Mecklenburg County, NC, ICE 287(g) Deputies and determined to be unlawfully present in the United States;
 - n. on August 3, 2009, his order of removal was reinstated by designated officials in Charlotte, North Carolina;
 - o. on August 18, 2009, he was served an additional charge for DISCHARGING FIREARM INTO OCCUPIED PROPERTY (Mecklenburg County Superior Court Docket 2009crs54870);
 - p. on December 1, 2009, he was convicted in Mecklenburg County, North Carolina, Superior Court for the lesser offense ASSAULT WITH A DEADLY WEAPON, and sentenced to 60 days of confinement (Court Docket 2009crs236260; date of arrest was July 25, 2009);
 - q. on January 21, 2010, agency form I-205 Warrant of Removal/ Deportation was executed by including his photograph, fingerprint, and signature, and GONZALEZ Maldonado was removed from the United States to Mexico, on foot, at Laredo, Texas, under the name Jose Guadalupe Gonzalez Maldonado, being advised prior to removal that it is a crime after removal from the United States to enter, attempt to enter, or be found in the United States without the express consent of the Secretary of Homeland Security;
 - r. on November 21, 2022, he was convicted in Mecklenburg County, North Carolina, District Court for NO OPERATORS LICENSE (Court Docket 2022cr731491; date of arrest/citation was October 30, 2022); and
 - s. on June 6, 2023, his next hearing is scheduled in Gaston County, North Carolina, District Court for NO OPERATORS LICENSE (Court Docket 2023cr705016; date of arrest was March 11, 2023).
7. That, on March 28, 2023, your Affiant conducted extensive automated record checks of immigration indices and was unable to locate a record(s) that GONZALEZ was granted permission by the Attorney General of the United States or the Secretary of the Department of Homeland Security to reapply for admission after deportation/removal.

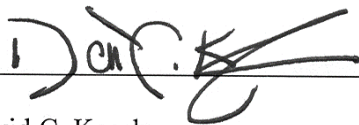
Based on the above information, your Affiant respectfully requests the issuance of a criminal complaint against GONZALEZ.

/s/ Erin North, Deportation Officer
United States Immigration and Customs Enforcement

AUSA Kenneth M. Smith has reviewed this Affidavit.

In accordance with Rule 4.1(b)(2)(A), the Affiant attested under oath to the contents of this Affidavit, which was submitted to me by reliable electronic means, on this 29th day of March, 2023, at 6:00 PM.

Signed: March 29, 2023



David C. Keesler
United States Magistrate Judge

